

04-20-01

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Docket No. A-65353-8/RFT/RMS/RMK

Anticipated Classification of this Application:

Class: Subclass:

Prior Application 09/714,357

Examiner: not assigned

Art Unit: not assigned

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NUMBER EL659498445US

DATE OF DEPOSIT April 18, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST  
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INDICATED ABOVE AND IS ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME VINCENT DIAZ

SIGNED

VMD

**Box PATENT APPLICATION**Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing an

- Original
- Continuation
- Divisional
- Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Stephen L. Mayo; Bassil I. Dahiyat; D. Benjamin Gordon; Arthur Street  
(Names of ALL Applicants)for APPARATUS AND METHOD FOR AUTOMATED PROTEIN DESIGN  
(Title of Invention)This  continuation  divisional  continuation-in-part

Claims priority to pending application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459, filed on April 10, 1998; 60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997; and 60/054,678, filed on August 4, 1997.

1. (a)  Enclosed is a new application.  
(b)  Enclosed is a continuation-in-part application.  
(c)  Enclosed is a copy of the prior application.
2. (a)  Enclosed is a new Declaration.  
(b)  Enclosed is a copy of the prior Declaration as originally filed.
3. (a)  Enclosed is a Small Entity Affidavit.  
(b)  A Small Entity Affidavit is of record in the prior application.
4.  The filing fee is calculated below:  
Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE
<b>BASIC FEE</b>			\$355	\$690
TOTAL CLAIMS	40 - 20 =	20	× 9 = \$180	× 18 = \$
INDEP CLAIMS	4 - 3 =	1	× 40 = \$40	× 80 = \$
MULTIPLE DEPENDENT CLAIM PRESENTED	yes	no	+135 = \$135	+270 = \$

If the difference in Col 1 is less than zero, enter "0" in Col. 2

5.  The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-65353-8/RFT/RMS/RMK).

5.  The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-65353-8/RFT/RMS/RMK).
6.  Our check No. 35225 in the amount of \$ 710.00 is enclosed.  
 The filing fee is NOT being submitted with this transmittal letter.
7.  Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
8.  Amend the specification by inserting before the first line the sentence:  
--This is a  continuation  divisional  continuation-in-part
- of application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459, filed on April 10, 1998;  
60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997; and 60/054,678, filed on  
August 4, 1997--
9. (a)  Informal drawings are enclosed.  
(b)  Formal drawings are enclosed (10 sheets).
10. (a)  Priority of United States application Serial Nos. 09/714,357, filed on November 15, 2000; 09/058,459,  
filed on April 10, 1998; 60/061,097, filed on October 3, 1997; 60/043,464, filed on April 11, 1997;  
and 60/054,678, filed on August 4, 1997 is claimed under 35 U.S.C. 119/120.  
(b)  The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.

11.  The prior application is assigned of record to The California Institute of Technology

12.  The power of attorney in the prior application is to:

Name: Robin M. Silva, Esq.  
Address FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
Four Embarcadero, Suite 2400  
San Francisco, CA 94111

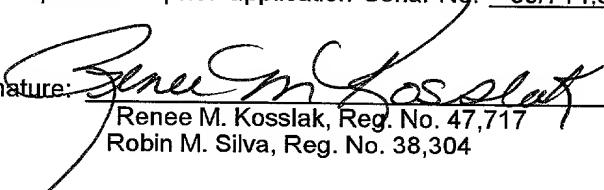
- (a)  The power appears in the original papers in the prior application.  
(b)  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c)  A new power has been executed and is enclosed.  
(d)  Address all future communications to:

ROBIN M. SILVA, ESQ.  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

13.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

14.  I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/714,357 as originally filed on November 15, 2000.

Date: 4/16/01

Signature:   
Renee M. Kossak, Reg. No. 47,717  
Robin M. Silva, Reg. No. 38,304

Address of Signer:  
FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

Attorney or agent of record

Filed under Section 1.34(a)